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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,270	12/06/2000	Hiroyuki Wada	1232-4664	9082
27123	7590	10/06/2004		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2622	3
DATE MAILED: 10/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,270

Applicant(s)

WADA, HIROYUKI

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/06/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 8, 9, 12-15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Haraguchi et al. (U.S. Patent No. 6,222,613).

For claims 1, 3, and 13, Haraguchi discloses an image reading method, apparatus, and control program storage medium for reading a transparent original, comprising: reading the image at a resolution other than a set resolution determined by a scan pitch of the transparent original and a pixel pitch of a line sensor, performing control of receiving the image at the set resolution in advance, correcting an image of a region which requires correction, and performing resolution conversion in order to obtain an image at a desired resolution (col. 3, line 31 – col. 4, line 6).

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For claims 2, 4, 8, 12, 14 and 18, Haraguchi discloses a method and apparatus wherein the transparent original includes a developed photographic film (col. 3, lines 52-54).

For claims 5, 9, and 15, Haraguchi discloses an image reading method, apparatus, and control program storage medium for reading a transparent original, comprising: scanning a transparent original (col. 8, lines 27-29); emitting light for irradiating the transparent original held to be scannable in the scan step (29, Fig. 3; col. 8, lines 31-36); the imaging step of forming the light having passed through the transparent original into an image by an optical system (col. 8, lines 31-34); the light detection step of detecting the light having passed through the optical system (col. 8, lines 31-34); the storage step of storing a light detection result in the light detection step (col. 8, lines 48-49); the calculation step of comparing a stored content in the storage step; the determination step of determining whether a region requires correction, from the light detection result in the light detection step (col. 8, lines 36-42); the control step of, when image data is to be obtained at a second resolution other than a plurality of first detectable resolutions determined in the scan step and the light detection step, performing control of correcting the image data at one resolution out of the plurality of first resolutions in the correction step, and then converting the resolution into the second resolution (col. 5, lines 5-14).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haraguchi et al. (U.S. Patent No. 6,222,613).

For claims 19-36, Haraguchi does not directly teach the storage medium includes a floppy disk, hard disk, optical disk, magneto-optical disk, cd-rom, cd-r, nonvolatile memory card, or a rom chip. However, Haraguchi discloses various kinds of media for inputting images such as cd-roms, floppy disk, magnet-optics disk, hard disk, etc. (col. 3, lines 46-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the image inputting media described in Haraguchi could also be used to store control programs.

4. Claims 6, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haraguchi ('613') as applied to claims 5, 9, and 15 above, and further in view of Dwyer et al. (U.S. Patent No. 5,706,457).

For claims 6, 10, and 16, Haraguchi fails to disclose a method and apparatus wherein the first resolution is higher than and closest to the second resolution.

Dwyer discloses a method and apparatus wherein a thumbnail image is created from image information, which is scanned at a higher resolution (col. 4, lines 39-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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combine the image processing methods and apparatuses of Haraguchi and Dwyer because both disclose apparatuses with various image inputting means capable of image size manipulation. The improvement on Haraguchi by Dwyer would allow for a thumbnail image to be available for previewing by a user.

5. Claims 7, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haraguchi ('613') as applied to claims 5, 9, and 15 above, and further in view of Edgar (U.S. Patent No. 5,266,805).

For claims 7, 11, and 17, Haraguchi fails to teach an image reading method, apparatus, and control program storage medium wherein the light-emitting step comprises emitting visible light and infrared light.

Edgar discloses an image reading device wherein the light-emitting step comprises emitting visible light and infrared light (col. 7, lines 16-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the image processing apparatuses of Haraguchi and Edgar because both disclose image processing of transparent originals. The improvement on Haraguchi will allow for more accurate image scanning of transparent originals.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. DeAgular et al. (U.S. Patent No. Re. 36,145) discloses an image management system for tiled images.

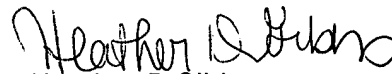
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg


Heather D Gibbs
Examiner
Art Unit 2622


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